

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§
	§ NO. 4:09CR48
vs.	§ Judge Crone
	§
GABRIEL MENDOZA, JR.. (2)	§
a.k.a. "Jr."	§

ELEMENTS OF THE OFFENSE

TO THE HONORABLE MARCIA CRONE, UNITED STATES JUDGE FOR THE
EASTERN DISTRICT OF TEXAS:

Title 21, United States Code, Section 846, makes it a crime for anyone to conspire with someone else to commit a violation of certain controlled substances laws of the United States. In this case, the defendant is charged with conspiring to manufacture or distribute or possess with intent to manufacture or distribute a controlled substance or controlled substances.

A "conspiracy" is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of "partnership in crime" in which each member becomes the agent of every other member.

The elements of conspiracy are:

First: That two or more persons, directly or indirectly, reached an agreement to manufacture or distribute or possess with intent to manufacture or distribute a controlled

substance or controlled substances.

Second: That the defendant knew of the unlawful purpose of the agreement; and

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose.

Respectfully submitted,

JOHN M. BALES
United States Attorney

/s/

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Certificate of Service

I hereby certify a true and correct copy of the foregoing was served by electronic filing by CM/ECF to Mr. Christopher D. Muler on this the 18th day of December, 2009.

/s/

Heather Rattan